



02-21-07

TO AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John C. Oslund et al.

Attorney Docket: EV31010USD1

Serial No.: 10/823,139

Group Art Unit: 3731

Filed: April 13, 2004

Examiner: Darwin P. Erez

Title: DISTAL PROTECTION DEVICE

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 17, 2006, finally rejecting claims 71 to 73, 75 to 77 and 79 to 81.

A Petition for Extension of Period for Response is enclosed. This Petition and the accompanying fee extends the period for response to the October 17, 2006 Office Action from January 17, 2007 to February 17, 2007.

The fee for this Notice of Appeal is \$500.00 and the fee for the one-month extension of time is \$120.00. A check in the amount of \$620.00 is enclosed to cover these fees.

Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 918074842 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: February 20, 2007Signature: Jodi JungName: Jodi Jung

02/22/2007 HUJUNG1 00000002 10823139

500.00 DP

01 FC:1401


Notice of Appeal
Applicants: John C. Oslund et al.
Serial No.: 10/823,139

Attorney Docket No.: EV31010USD1

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: February 20, 2007

By 
Customer No. 009561
Terry L. Wiles (29,989)
Patrick J. O'Connell (33,984)
POPOVICH, WILES & O'CONNELL, P.A.
650 Third Avenue South, Suite 600
Minneapolis, MN 55402-1911
Telephone: (612) 334-8989
Attorneys for Applicants